

i. ORDINANCE NO. 2004-09

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**iii. AN ORDINANCE CREATING COMMISSIONERS COUNCIL
ON HISTORIC METAMORA**

iv. 84.01 Membership of the Commissioners Council

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vi. A. The Council shall consist of seven (7) voting members who shall be selected as follows:

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1. One (1) member shall own real estate and reside in the secondary district.
- viii.** 2. One (1) member shall own real estate in Duck Creek Crossing and reside within the State of Indiana.
- ix.** 3. One (1) member shall own real estate and operate a business in the unincorporated Town of Metamora and reside in Franklin County, Indiana.
- x.** 4. One (1) member shall own real estate and operate a business in the unincorporated Town of Metamora and reside within the State of Indiana.
- xi.** 5. Two (2) members shall be appointed from any of the above categories.

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B. Voting

- xv.** 1. Voting members shall serve a term of two (2) years; however, the initial term shall be four (4) members for two (2) years and three (3) members for one (1) year as determined by initial appointment; after the appointment of the initial council, no member shall serve more than two (2) consecutive terms; a member may be reappointed after being off the council for two (2) years.

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2. Voting members absent for more than four (4) meetings in a calendar year shall be removed from the council, and be replaced by appointment of the County Commissioners. In the event an appointed member of the council shall not qualify because he/she does not meet a requirement or requirements as set forth above, such member shall be removed from the council, and a new member appointed by the County Commissioners; such vacancy shall be filled in the manner as set forth above and shall be for the unexpired term of the vacated council member.
3. County Commissioner may appoint non-voting advisory members to the council as they deem appropriate without regard to residency or ownership of property.

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- xviii.** 4. Members of the council shall serve without compensation, but may be paid for reasonable expenses incurrent in the performance of their duties. It is intended that funds will be generated by the council in the application or enforcement of this ordinance.

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- xx.** 5. The council shall elect from its membership a Chairman and a Vice-Chairman, who shall serve one year terms. The Chairman shall preside over council meetings and shall have the right to vote. In the absence of the Chairman, the Vice-Chairman shall preside over meetings.

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6. A Secretary of the council shall be selected from those voting members not selected to serve as Chairman or Vice-Chairman.

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xxiii. The council meetings shall be conducted under Roberts Rules of Order, and its meeting shall not be inconsistent with this Ordinance; the council shall establish a time and place for regular meetings, and a procedure for the calling of special meetings; and all council meetings shall be open to the public, and any public record shall be kept of the council's resolutions, proceedings, and actions.

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7. The Council shall meet at least once per month.

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xxvi. Section 84.02 The Powers, Authority and Duties of the Commissioners Council

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xxviii. A. The council shall have the power to conduct a survey to identify historic buildings, structures, and places located within the primary historic district.

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xxx. B. Upon such survey as referenced above, the council shall submit to the Board of County Commissioners a map describing the boundaries of a historic area or historic areas; a historic area may be limited to the boundaries of a property containing a single building, structure or site; the map may divide a district into primary and secondary areas; all of any primary area if the map makes no contrary designation.

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xxxii. C. The council shall classify and designate on the above referenced map all buildings and structures within each historic area described on the map; buildings and structure shall be classified as historic or non-historic as follows:

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xxxiv. 1. Historic buildings and structures must possess identified historic or architectural merit of a degree warranting their preservation, and may be further classified as outstanding; notable; contributing; or non-contributing.

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xxxvi. 2. The council may devise its own system of further classifying historical buildings and structures.

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xxxviii. 3. Non-historic classification shall be those buildings and structures not classified on the map as historic.

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xl. Section 84.03 Approval by Board of County Commissioners

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xlii. The map setting forth the historic district boundaries and buildings classifications must be submitted to the Board of County Commissioners and approved by separate ordinance before the historic district is established and the building classifications take effect.

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xliv. Section 84.04 Certificate of Appropriateness.

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xlvi. A. A Certificate of Appropriateness shall be issued by the council before a permit is issued for, or work is begun on, any of the following:

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1. Within all areas of the historic district:

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a. The demolition of any building:

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b. The moving of any building.

- c. A conspicuous change in the exterior appearance of existing buildings by additions, reconstruction, alteration, or maintenance involving exterior color changes; or,
 - d.
 - 1. B. Any new construction of principal building or accessory building or structure subject to view from a public way.
 - lii. 1. Within a primary area of the historic district.
 - liii.
 - liv. a. A change in walls and fences or construction of walls and fences, if along public ways; or,
 - b. A conspicuous change in the exterior appearance of non-historic buildings subject to a view from public way by additions, reconstruction, alteration, or maintenance involving exterior color changes.

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Section 84.05 Application for Certificate of Appropriateness.

A. Application for a Certificate of Appropriateness may be made in the office of the Executive Director of the Franklin County Area Plan Commission, or from the council; forms shall be provided by the council. Detailed drawings, plans or specifications are not required; however, each application must be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes, or new construction so as to permit the council to make a determination on such application.

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Section 84.06 Action on Application for Certificate of Appropriateness.

A. The council may advise and make recommendations to the applicant before acting on an application for a Certificate of Appropriateness.

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B. If an application for a Certificate of Appropriateness is approved by the council or is not acted on by the council within thirty (30) days after it is filed, a Certificate of Appropriateness shall be issued by the historic board. If the Certificate is issued, the application shall be processed in the same manner as applications for building or demolition permits required by Franklin County, if any, are processed. If no building or demolition permits are required by Franklin County, the applicant may proceed with the work authorized by the Certificate.

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C. If the council denies an application for a Certificate of Appropriateness within thirty (30) days after it is filed, the Certificate may not be issued. The council must state its reasons for the denial in writing, and must advise the applicant of its denial. An application that has been denied may not be processed as an application for a building or demolition permit and does not authorize any work by the applicant.

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D. The council may grant an extension of the thirty (30) day limit prescribed by subsection 2 and 3 above if the applicant agrees thereto.

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E. A Certificate of Appropriateness permit shall be deemed to authorize the particular changes reflected on the permit. Such permit shall expire if, for any reason, the change has not commenced within one (1) year of the date of the permit.

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- lxxii. F. Certificate of Appropriateness shall be granted if the council determines that the proposed action is not obviously incongruous (?) with the historic area and shall not be granted if the proposed action is obviously incongruous with the historic area. In determining whether a particular proposal is obviously incongruous with the historic area, the council shall take into account the purposes of this chapter, the visual compatibility standards contained herein, the historic and architectural significance of the structure and the effect of the proposed change in diminishing or enhancing such significance, the effect of the proposed change on the street scape, and the effect of the proposed change on the district as a whole. The council shall act in a manner which preserves the visual aspects of the architectural and historic character of the area by assuring that obviously incongruous changes are not allowed.

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lxxiv. Section 84. 07 Development Standards; Maintenance

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- lxxvi. A. A historic building or structure, or any part of appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs, may be moved, reconstructed, altered, or maintained only in the manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

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- lxxviii. B. An historic building may be relocated to another preservation on its current site is consistent with subsection 1 above.

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- lxxx. C. Historic buildings shall be maintained to meet the applicable requirements established under statute for buildings generally.

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- lxxxii. D. The construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance or repair involving a color change conspicuously affecting the external appearance of any non-historic building, structure, or appurtenance within the primary area must be generally of a design, for, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with the buildings in the historic areas, particularly with buildings designated as historic, and with squares and places to which it is visually related.

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lxxxiv. Section 84.08 Preservation Rights, Demolition, and Appeal.

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- lxxxvi. A. The purposed of this section is to preserve historic areas that are important to the education, culture, traditions, and economic values or Franklin County and to afford the County's historical organizations, and other interested persons, the opportunity to acquire or to arrange for the preservation of these buildings.

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- lxxxviii. B. If a property owner shows that an historic building is incapable of earning an economic return on its value, as appraise by a qualified real estate appraiser, and the Council fails to approve the issuance of a Certificate of Appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, notice of proposed demolition must be given for a period fixed by the Council, based on the Council's classification on the approved map, but not less that sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building proposed for demolition in a location clearly visible from the street, and notice must be published in accordance with I.C. 5-3-1.

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- xc. C. The Council may approve a Certificate of Appropriateness at any time during the notice period under subsection 2 above. If the Certificate is approved, a permit for demolition shall be issued without further delay and demolition may proceed.
- xcii. D. A decision of the Council is subject to judicial review under I.C. 4-22-1 as if it were a decision of a state agency.
- xciv. **Section 84.09 Visual Compatibility.**
- xcv. A. Within the primary area of the historic district, new buildings and structures, as well as buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with the buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:
- xcvi. 1. Height: The height of proposed buildings must be visually compatible with adjacent buildings.
- xcvii. 2. Proportion of the building's front facade: The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.
- xcviii. 3. Proportion of openings within the facility: The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
- xcix. 4. Rhythm of solids to voids in front facades: The relationship of solids to voids in the front façade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- c. 5. Rhythm of spacing of buildings on streets: The relationship of buildings to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.
- ci. 6. Rhythm of entrances and porch projections: The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.
- cii. 7. Relationship of materials, texture, and color: The relationship of materials, texture, and color of the façade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.
- ciii. 8. Roof Shapes: The roof share of a building must be visually compatible with the buildings to which it is visually related.
- civ. 9. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cv. 10. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cvi. 11. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cvii. 12. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cviii. 13. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cx. 14. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cxii. 15. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cxiii. 16. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.
- cxiv. 17. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the buildings to the buildings, squares, and places to which it is visually related.

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- cxvi. 10. Scale of a building: The size of a building and the mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.
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- cxviii. 11. Directional expression of front elevation: A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.
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- cxx. 12. Outside displays: No outside selling is allowed in the primary district of historic Metamora. Outside displays are allowed following these guidelines:
- cxxi.
- cxxii. a. Displays shall be no more than 24 inches from the front façade of a building.
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- cxxiv. b. Displays shall be no taller than 60 inches from ground level.
- cxxv.
- cxxvi. c. Displays shall be no wider than 48 inches.
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- cxxviii. d. No visible price tags will be allowed.
- cxxix.
- cxix. e. No tables, shelving, folding or plastic chairs, or cardboard boxes shall be used in the display.
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- cxix. f. Materials such as woods, wrought iron, grill work and so forth are encouraged. Materials such as aluminum and plastic, or materials not made in the time period historic Metamora represents, are not acceptable in the displays.
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- cxix. 13. Horticulture and agricultural exception shall be made with written approval from the Council.
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- cxix. 14. Vending machines that are already in town may stay but no permits for new vending machines will be issued.
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- cxix. 15. Christmas decorations must be removed by January 25.

Section 84.10 Signs.

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- cxlii. A. Signs may be permitted by the Council in those parts of historic districts which are classified as Business or Industrial in the Zoning Code, except for Home Occupation uses or certain special exceptions. New signage or alterations to signage shall be required to receive a Certificate of Appropriateness, the same as structural alteration, new construction or demolition.
- cxlii.
- cxlii. B. All proposed signs or changes to signs as to their appropriateness within the historic are subject to Council review. Each sign application shall be reviewed as a unique case, subject to the following criteria, which shall include, but not be limited to:
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- cxlvi. 1. Allowable sign-types.
- cxlvii. cxlviii. a. Flat signs. These signs shall always exist parallel to the building façade, and shall not be painted directly on the building surface, but shall be painted on a separate background material and applied to the façade as a unit.
- cxlix. cl. b. Dimensional surface signs. This sign type shall be parallel to the building façade, and may consist in whole or in part of three-dimensional letter forms applied directly to the building surface, or applied to a separate flat background. The message may be in relief, or depressed by means of carving, etching, routing, positive or negative cut-out, etc.
- cli. clii. c. Awnings. Awnings may be used as a means to display a sign, but should be limited to the front drop flat of the awning, and might be achieved as sewn appliqué or insert, or by painting or silk-screening. Awning fabrics shall coordinate with the character of the building, and with adjoining buildings and awnings. The bottom of awning shall be at least seven (7) above its sidewalk.
- cliii. cliv. d. Projecting signs. Projecting signs, except those on a corner, are those which exist ninety degrees to the building surface. The sign's shapes may describe a particular service or activity, and are permitted to have dimension. Projecting signs must be designed for maximum strength, and must connect to sturdy wall bracket units with an adequate gauge of steel or iron strap or chain.
- clv. clvi. e. Banners. Banners may only be used by "not for profit organizations" or for upcoming special events written approval of the Council.
- clvii. f. Temporary signs. A temporary sign, valance, or display as defined as one being seasonal in nature or as one having a duration of not more than eight (8) weeks, and may be used only by "not for profit groups." A temporary sign, valance, or display will be evaluated relative to its size, material, method of attachment, and its ease of maintenance and cleaning. With written approval of the Council, temporary signs may be up for (4) weeks prior to the event and must be removed no later than three (3) days after the event's completion.
- clviii. clx. C. Location and Size.
- clxi. clx. 1. Dimensional surface signs shall not protrude from the primary building façade surface more than twelve (12) inches.
- clxiii. clxii. 2. Perpendicular to building signs shall not exceed nine square feet (9sq. ft.) in area, nor shall they extend below a point eight (8) feet from the sidewalk surface, nor out from the façade surface more than 54 inches.
- clxiv. D. Materials: Materials such as wood, wrought iron, steel, metal, grill-work, etc., which were used in the 19th century are encouraged. Materials such as extruded aluminum and plastic, while not prohibited, may not be appropriate. Simplicity and restraint in material selection, its method of application, or its detail construction, should be consistent with other criteria set forth herein.
- clxv. clxvi.

- clxvii. E. Method of attachment. The signs attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. (Example: a sign utilizing an archway should reflect the archway in its configuration).
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clxix. F. Illumination. Signs may appear without illumination or may be illuminated. Lighting source, design, and placement must be as unobtrusive as possible, and the proposed method of lighting is also subject to review by the Council.
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clxxi. G. Sign message. All building signs shall display only the formal name of the bona fide business conducted on the premises, plus brief secondary identification describing the nature of the business, including any agency or franchise affiliations, street numbers, and telephone numbers. One sign façade shall be allowed, excepting those buildings which front on more than one street. No more than two signs shall be permitted per building.
- clxxii.
clxxiii. In the case of buildings occupies by professional offices, perpendicular-to-building signs may list occupants. No signs should occur above the second story window; however, an exception may be made in this instance by allow window signs for those professionals occupying the third story of a building.
- clxxiv.
clxxv. H. Signs in the historic areas which are located in areas classified in the business or industrial districts of the Zoning Code shall be of a simple design and conform to regulation set forth herein, except that in no case will the following be allowed:
- clxxvi.
clxxvii. 1. Roof-top signs.
clxxviii. 2. Painted wall signs.
clxxix. 3. Free-standing signs or pylons.
clxxx. 4. Billboards.
clxxxi. 5. Flashing or animated signs with any moving parts.
clxxxii. 6. Signs which authorize more information than permitted by this ordinance.
clxxxiii. 7. Signs which are back lighted.
clxxxiv. 8. Signs with an accumulated total of more than 100 sq. ft. per establishment or more than 10 percent of the ground floor area of the wall surface.
- clxxxv.
clxxxvi. **Section 84.11 Street Furniture and Utilities.**
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clxxxviii. A. Where possible, and subject to the requirements of local utilities, all new utility lines shall be underground in the historic district.
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cxc. B. All free-standing light standards or premises shall be of a design which is compatible with lighting throughout the historic area, and subject to the approval of the Council.
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cxcii. C. The design and location of all items of street furniture must be approved prior to placement and subject to the approval of the Council. Similar designs should be used throughout the historic district.
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cxciv. **Section 84.12 Historic Preservation Officer.**
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- cxvi. A. The Executive Director of the Area Plan Commission shall be designated as the Historic Preservation Office, and he and his office shall provide such technical, administrative and clerical assistance as required by the Council.

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cxviii. Section 84.13 Penalties

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- cc. A. This Ordinance may be enforced by the council or by the Area Plan Commission.

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- ccii. B. This Ordinance may be enforced through civil proceedings in the Circuit Court of Franklin County, Indiana, and any legal, equitable, or special remedy may be sought, including injunction or civil penalty.

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- cciv. C. Any interested person or affected owner may also seek to enforce this Ordinance, and may pursue any remedy herein, excepting civil penalty.

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- ccvi. D. If the owner of the property in the primary historic district fails to maintain such property in accordance with this Ordinance, the Council or Area Plan Commission shall give the owner written notice of the violation, and the owner shall have thirty (30) days after receipt of notice in which to remedy such violations, or to otherwise respond to such notice.

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- ccviii. E. Any person or corporation in violation of this Ordinance may be punished by fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day the violation of this Ordinance continues shall constitute a separate offense.

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ccx. Section 84.14 Filing Fees and Application Forms.

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- ccxii. A. Applications for the following shall be accompanied by the following fees:

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| ccxiv. | 1. | Certificate of Appropriateness | \$20.00 |
| ccxv. | 2. | Demolition Permit | \$25.00 |
| ccxvi. | 3. | Appeals | \$50.00 |

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ccxviii. Section 84.15 The Metamora Historical Preservation Area.

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- ccxx. A. The primary historical area is described by the attached "Exhibit A."

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- ccxxii. B. The secondary historical area is that area generally described as follows:

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- ccxxiv. The north line to be U.S. Highway 52 as far east on said highway to the north south half section line in Section 31 as far as west as the west fork of the Whitewater River; the east line to be that portion of the north south half section line of section 31 between U.S. Highway 52 and a point 450 feet south of the Whitewater Valley Railroad; the depth of the secondary area to follow a line 450 feet south and parallel to the center line to the Whitewater Valley Railroad; excepted from the foregoing is "Exhibit A."

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ccxxvi. Section 84.16 Relationship to Zoning Districts.

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- ccxxviii. A. The regulations provided in this Ordinance are intended to preserve and protect the historic architecturally-worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods within the historic district incorporated in the Town of

Metamora, Indiana. Zoning districts lying within the boundaries of the primary historic district are subject to the regulations for both the zoning district and the historic area. If there is a conflict between the requirements of this Ordinance and the zoning district, the more restrictive requirements shall apply.

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ccxxx. B. The foregoing is intended to be in conjunction with Section 80.45 of the Area Zoning Code for Franklin County, Indiana.

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ccxxxii. Section 84.17 Interpretation of Ordinance; Non-Conforming Uses

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A. This ordinance is to be interpreted as being consistent with the existing Area Zoning Code of Franklin County, Indiana.

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B. Any building, structure, or land use in existence at the time of the adoption of the historic district on November 4, 1974 that is not in conformity to or within the zoning classification or restrictions or requirements of architectural standards of this ordinance shall be considered to be a nonconforming use and may continue, but only so long as the owner or owners continuously maintain this use.

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C. In addition to the requirements pertaining to Certificates of Appropriateness, the ownership of a nonconforming use is subject to the additional restriction that a nonconforming use may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty percent (50%) of the market value thereof unless the structure is changed to a non-conforming use.

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ccxli. WHEREAS, the unincorporated Town of Metamora, Indiana, is unique in its business and history, and

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ccxliii. WHEREAS, the Commissioners of Franklin County, Indiana, in recognition of its business and history, are desirous of appointing a council to provide stability and direction to residents and business owners of Metamora,

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ccxlv. There is hereby created the Commissioners Council on Historic Metamora to serve the historic preservation area of the unincorporated Town of Metamora, Franklin County, Indiana, hereinafter referred to as the "Council".

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ccxlviii. BE IT NOW ORDAINED AND ADOPTED this _____ day of _____,
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